

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LORENZO E. CLEMENT AND
KEN MORTON,

Plaintiffs,

v.

CSC OF COBB COUNTY INC.
HOOD CLAYTON LOGISTICS
LLC
THE KROGER CO.

Defendants.

Civil Action File No.:

Removed from
Cobb County Superior Court

Civil Action No.: 23108815

PETITION FOR REMOVAL BY DEFENDANT

COMES NOW The Kroger Co., (hereinafter referred to as “Defendant” or “Kroger”) by and through undersigned counsel, and shows this Honorable Court the following:

1.

This civil action was filed in the Superior Court of Cobb County, Georgia, said county being part of the Northern District of Georgia. (N.D.G.A. Local Rule

3.1(A), LR App. A, I). This, the Atlanta Division of this Court, is the proper Division for this removal as further set forth below.

2.

The action is a civil action for racial profiling and the United States District Court for the Northern District of Georgia has jurisdiction by reason of federal question jurisdiction under 28 U.S.C. § 1441(c) of the parties.¹

3.

(a) At the time of the commencement of this action in Superior Court, upon information and belief, and according to Plaintiff's *Complaint*, Plaintiffs, Lorenzo E. Clement and Ken Morton, was and is now, a citizen of Georgia.

(b) Defendant at the time the action was commenced and at the present time, was and still is a corporation, incorporated and existing under and by virtue of the laws of Ohio having its principal place of business in Ohio, and a citizen of Ohio.

4.

A true and correct copy of all process, pleadings, and orders served upon Defendant in this action are attached hereto as Exhibit "D."

¹ At the time of this filing, Co-Defendant Hood Clayton Logistics, LLC has not been served.

5.

The instant *Petition for Removal* is timely filed pursuant to and in accordance with 28 U.S.C. § 1446(b)(3) within thirty days after the disclosure given by Plaintiff in the form of Plaintiff's *Complaint*.

6.

Furthermore, the instant *Petition for Removal* is timely filed, pursuant to and in accordance with 28 U.S.C. § 1446(c)(1), within one year of the commencement of the action.

7.

Accordingly, this action, over which the United States District Court for the Northern District of Georgia has original jurisdiction under 28 U.S.C. § 1332, is removable to the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441.

8.

Venue is proper in the Atlanta Division of the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1391, and N.D.G.A. Local Rule 3.1(B)(1)(a). Specifically, Plaintiff's *Complaint* was filed in the Superior Court of Cobb County, which is part of the Atlanta Division. *See* N.D.G.A. Local Rule 3.1(A), LR App. A, I.

19.

As required by 28 U.S.C. § 1446(d), Defendant shall give written notice hereof to all adverse parties and shall file a copy of this *Petition for Removal* with the Clerk of the Superior Court of Cobb County.

WHEREFORE, Defendant, The Kroger Co., request that this action proceed in this Court as an action properly removed to it.

Respectfully submitted, this the 15th day of December 2023.

**GRAY, RUST, ST. AMAND, MOFFETT
& BRIESKE, L.L.P.**

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Civil Action No.: 18-A-1674

CERTIFICATE OF SERVICE AND COMPLIANCE WITH L.R. 5.1

This is to certify that I have this day served the *Petition For Removal by Defendant* upon all counsel of record by electronic mail and depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to:

Lorenzo E. Clement
Ken Morton
660 Sable View Lane
Atlanta, GA 30349
Lorenzo.clement@yahoo.com
Planetics46@gmail.com
Plaintiffs, Pro Se

This is to further certify that the foregoing complies with the font and point selections approved by the Court in Local Rule 5.1. It is prepared in Times New Roman 14-point font.

Respectfully submitted, this the 15th day of December 2023.

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& BRIESKE, L.L.P.**

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